MONTANA LEGISLATIVE HISTORY

Chapter 261 1983

Bill H _____ S 276 Original bill & history ✓ C

H. Committee on Ag. Live. & Irr			S. Committee on Natural Res.		
Hearing Date(s)	h 3/09	___C	Hearing Date(s)	h 1/31	___C
	V 3/14	___C		V 1/31	___C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	_____	___C			

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

REFERRED TO COMMITTEE ON NATURAL RESOURCES: 01/24/83
HEARING: 2/2/83
REPORT: 02/15/83, DO PASS, AS AMENDED
2ND READING: 02/17/83 AYES: 26; NAYS: 24
3RD READING: 02/21/83 AYES: 22; NAYS: 28 FAILED
BILL KILLED

SB 276 -- AKLESTAD, MANUEL -- TO PROVIDE THAT THE BOARD OF COMMISSIONERS OF AN IRRIGATION DISTRICT MAY BY RESOLUTION ESTABLISH THAT DISTRICT VOTES ARE TO BE CAST BY 1-ACRE RATHER THAN BY 40-ACRE BLOCKS.

INTRODUCED: 01/24/83
REFERRED TO COMMITTEE ON NATURAL RESOURCES: 01/24/83
HEARING: 1/31/83
REPORT: 02/01/83, DO PASS
2ND READING: 02/03/83 AYES: 50; NAYS: 0
3RD READING: 02/05/83 AYES: 46; NAYS: 0

TRANSMITTED TO HOUSE: 2/5/83
REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION: 02/07/83
HEARING: 3/9/83
REPORT: 03/14/83, BE CONCURRED IN
2ND READING: 03/18/83, BE CONCURRED IN AYES: 88; NAYS: 5
3RD READING: 03/19/83, BE CONCURRED IN AYES: 83; NAYS: 4

RETURNED TO SENATE: 3/19/83

TRANSMITTED TO GOVERNOR: 03/25/83
SIGNED: 3/30/83, CHAPTER 261

SB 277 -- CONOVER, MAZUREK, ET AL. -- TO PROVIDE THAT A BOARD OF COMMISSIONERS OF AN IRRIGATION DISTRICT MAY REFUSE DELIVERY OF WATER TO ANY PERSON WHO OWES MONEY TO THE DISTRICT.

INTRODUCED: 01/24/83
REFERRED TO COMMITTEE ON NATURAL RESOURCES: 01/24/83
HEARING: 1/31/83
REPORT: 02/01/83, DO PASS
2ND READING: 02/03/83 AYES: 50; NAYS: 0
3RD READING: 02/05/83 AYES: 44; NAYS: 2

TRANSMITTED TO HOUSE: 2/5/83
REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION: 02/07/83
HEARING: 3/7/83
REPORT: 03/14/83, BE CONCURRED IN
2ND READING: 03/18/83, BE CONCURRED IN AYES: 93; NAYS: 0
3RD READING: 03/19/83, BE CONCURRED IN AYES: 79; NAYS: 7

RETURNED TO SENATE: 3/19/83

TRANSMITTED TO GOVERNOR: 03/25/83
SIGNED: 3/30/83, CHAPTER 262

SB 278 -- CONOVER, MAZUREK, ET AL. -- TO INCREASE FROM $125,000 TO $150,000 THE AMOUNT OF A PURCHASE OR RENTAL TO WHICH AN IRRIGATION DISTRICT BOARD MAY BIND A DISTRICT WITHOUT CONSENT OF THE LANDOWNERS.

SENATE BILL NO. 276

INTRODUCED BY AKLESTAD, MANUEL

IN THE SENATE

January 24, 1983	Introduced and referred to Committee on Natural Resources.
February 1, 1983	Committee recommend bill do pass. Report adopted.
February 2, 1983	Bill printed and placed on members' desks.
February 3, 1983	Second reading, do pass.
February 4, 1983	Correctly engrossed.
February 5, 1983	Third reading, passed. Ayes, 46; Noes, 0. Transmitted to House.

IN THE HOUSE

February 7, 1983	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
March 14, 1983	Committee recommend bill be concurred in. Report adopted.
March 18, 1983	Second reading, concurred in.
March 19, 1983	Third reading, concurred in.

IN THE SENATE

March 21, 1983	Returned to Senate. Sent to enrolling.
	Reported correctly enrolled.

Senate BILL NO. 176

INTRODUCED BY Halestad Manuel

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 85-7-1710, MCA, TO PROVIDE THAT THE BOARD OF COMMISSIONERS OF AN IRRIGATION DISTRICT MAY BY RESOLUTION ESTABLISH THAT DISTRICT VOTES ARE TO BE CAST BY 1-ACRE RATHER THAN BY 40-ACRE BLOCKS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 85-7-1710, MCA, is amended to read:

"85-7-1710. Qualification of electors and nature of voting rights. (1) At all elections held under the provisions of this part, except as otherwise expressly provided, the following holders of title or evidence of title to lands within the district, herein designated electors, are entitled to vote:

(a) all individuals having the qualifications of electors under the constitution and general election laws of the state, except that no registration of electors may be required;

(b) guardians, executors, administrators, and trustees;

(c) domestic corporations, by their duly authorized agents.

LC 1193/01

(2) In all elections held under this part, each elector is permitted to cast one vote for each 40 acres of irrigable land or major fraction thereof owned by the elector within the district, irrespective of the location of the irrigable lands within the tracts designated by the commissioners for assessment and taxation purposes or within congressional subdivisions, platted lots or blocks (except as hereinafter provided for), election precincts, or district divisions, but any elector owning any less than 40 acres of irrigable land is entitled to one vote. Until the irrigable area under the proposed plan of reclamation is determined, all land included within the boundaries of the district shall be considered irrigable land for election purposes.

(3) Whenever land is owned by co-owners, the owners may designate one of their number or an agent to cast the vote for the owners, and one vote only for each 40 acres of irrigable land or major fraction thereof may be cast by the voting co-owner or agent. Whenever land is under contract of sale to a purchaser residing within the state, the purchaser may vote on behalf of the owner of the land. When voting, the agent of a corporation or co-owners, the co-owner designated for purpose of voting, or the purchaser of land under contract of sale, as the case may be, shall file with the secretary of the district or with the election officials

 INTRODUCED BILL SB 176

a written instrument of his authority, executed and acknowledged by the proper officers of the corporation, by the co-owners, or by the owner of land under contract of sale, as the case may be, and thereupon the agent or co-owner or purchaser, as the case may be, is an elector within the meaning of this part. Whenever the total irrigable acreage within any one district has been platted or subdivided into lots or blocks to the extent of 5% or more of the total acreage of the district or whenever the majority of the district board adopts a resolution allowing it, each elector is permitted to cast one vote for each acre of irrigable land or major fraction thereof owned by the elector within the district, irrespective of the location of such irrigable lands within the tracts designated by the commissioners for assessment and taxation purposes or within the congressional subdivisions, but any elector owning any less than 1 acre of irrigable land within the district is entitled to one vote. The balloting shall take place in the following manner: 10 votes or less, separate ballots will be used; more than 10 votes, the elector shall vote in blocks of 10 using one ballot for each 10 votes and separate ballots for odd votes over multiples of 10."

-End-

48TH LEGISLATIVE SESSION

COMMITTEE ON SENATE NATURAL RESOURCES

SENATE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
SB 51	1-03-83	Moved to Agriculture Comm.							
SB 67	1-06-83	1-14-83	1-24-83			1-24-83			
SB 101	1-11-83	1-24-83	1-24-83			1-24-83			
SB 161	1-15-83	1-26-83	1-26-83			1-26-83			
SB 164	1-15-83	1-28-83	1-28-83		1-28-83				
SB 270	1-24-83	2-04-83	2-04-83			2-04-83			
SB 275	1-24-83	2-02-83	2-14-83			2-14-83			
SB 276	1-24-83	1-31-83	1-31-83	1-31-83					
SB 277	1-24-83	1-31-83	1-31-83	1-31-83					
SB 278	1-24-83	1-31-83	1-31-83	1-31-83					
SB 279	1-24-83	1-31-83	1-31-83	1-31-83					
SB 280	1-24-83	1-31-83	1-31-83			1-31-83			
SB 283	1-25-83	2-07-83	2-14-83			2-14-83			
SB 291	1-26-83	2-07-83	2-14-83	2-14-83					
SB 294	1-26-83	2-09-83	2-14-83	2-14-83					
SB 340	2-02-83	2-09-83	2-14-83	2-14-83					

Use a separate sheet for Senate, House Bills, and Resolutions.

48TH LEGISLATIVE SESSION

MINUTES OF
NATURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

January 31, 1983

A regularly scheduled meeting of the Senate Natural Resources Committee was called to order by Senator Harold L. Dover, Chairman, on Monday, January 31, 1983 at 1:00 p.m. in Room 405, State Capitol.

ROLL CALL: Roll was called with all members of the Committee being present.

SENATE BILL 276: Chairman Dover called on Senator Aklestad, Senate Dist. 6, sponsor, who stated this bill is important to the irrigators of this state. Page 3 has the only amendment, line 9 & 10. The vote would be on 1 acre rather than in the past, there had to be a 5/10 of the majority of the irrigators in the district voting. The law would allow the 1 acre provision. Senator Aklestad then called on Bob Ellis to further explain the bill.

Bob Ellis, Helena Valley, Montana Water Development Association and the Helena Valley Irrigation District representative said the bill would change very few words within the codes, but it would give better control over the districts. The 5% over the 1 acre would allow subdivisions to be running the irrigation districts. The original intent would be discounted if that happened. He presented a statement from WIFE organization to enter into the record, attached as Exhibit '1'.

Ken Kelly, Montana Water Development Association spoke in support of the bill. He said they have been in existence since 1943, and have a good cross representation of the citizens, and there were several other bills they would be speaking on. The bills have been split into six different bills, all dealing with this problem. He spoke in support of SB 276.

Senator Dover called for further proponents. There were none and there were no opponents.

Senator Aklestad stated the bill is very self-explanatory. Senator Shaw inquired if the bill affected all irrigation districts. Senator Aklestad stated it had originated around Fort Shaw with complaints from that area, it would not cover private irrigation districts. Senator Eck inquired as to whether people in the districts right now actually vote in the elections, and as to whether the boards are representative. Mr. Ellis explained the boards are elected, anyone in the district is eligible to be on the board if elected. Each district is divided into five smaller districts and have a representative. There were no further questions and hearing was closed.

SENATE BILL 280: Chairman Dover called on the sponsor, Senator Dave Fuller, Dist. 15. Senator Fuller stated he would call on Bob Ellis to explain the bill. Mr. Ellis stated the need of the bill is explained on page 1, line 12, where it states a majority of those voting on an election would be required for approval of contracts with the U.S. Government. This would make less expense. At the present time they have to petition 60% of the land owners that are water users, and usually have to hire someone to carry petitions. When a contract is entered into with the U.S. Government, they do have to have approval of the district judge, and couldn't put something over on the water users.

PROPONENTS: Chairman Dover called for further proponents. Ken Kelly stated the Water Development Association supports the bill and urged a do pass.

OPPONENTS: Chairman Dover called for opponents, there were none.

Committee members had several questions. Senator Mohar noted this deals with Sec. 85-7-1710, on Bill 276 as well. Senator Eck inquired if they could hold elections with general elections? Mr. Ellis stated they can at the option of the board. The Helena Valley district holds their elections with school elections. Senator Eck inquired what percentage vote? Mr. Ellis stated it depends on the questions. Some draw a small amount of voters, something major draws a large majority of voters. Senator Fuller, sponsor, had no other comments and hearing was closed.

The Committee then went into executive session.

ACTION ON SENATE BILL 276: Senator Shaw moved that Senate Bill 276 do pass. There was short discussion as to whether subdivisions could control elections. It was noted that if an area in an irrigation district is subdivided, they still have to pay off the assessments. Vote was called, all voted "aye" and motion carried that SB 276 Do Pass.

ACTION ON SENATE BILL 277: Senator Keating moved that SB 277 Do Pass, duly seconded. Vote was called, all voted 'aye' and motion carried that SB 277 Do Pass.

ACTION ON SENATE BILL 278: Senator Keating moved that SB 278 Do Pass, noting this is to raise from $50,000 to $125,000 for contracts. Senator Story stated he felt he had to enter his comment again that this might cause assessments against a large landowner, or even a small landowner, that they couldn't pay. Senator Eck pointed out testimony stated this would be in emergency situations, however the bill didn't say so, and wondered if this would also apply to installing water lines. Senator Keating stated this is asking for additional authority, that the boards already have authority to do all these things, this is for additional amounts. Two years ago there was an increase and no one was in opposition. Senator Halligan stated he felt the bill should say in emergency situations they have authority to spend over budget, otherwise they would be back in another two years for another increase.

ROLL CALL

SENATE NATURAL RESOURCES COMMITTEE

48th LEGISLATIVE SESSION -- 1983 Date 1-31-83

NAME	PRESENT	ABSENT	EXCUSED
ECK, Dorothy (D)	✓		
HALLIGAN, Mike (D)	✓		
KEATING, Thomas F. (R)	✓		
LEE, Gary P. (R)	✓ left early		
MANNING, Dave (D)	✓		
MOHAR, John (D)	✓		
SHAW, James N. (R)	✓		
STORY, Pete (R)	✓		
TVEIT, Larry J. (R)	✓		
VAN VALKENBURG, Fred (D)	✓ arrived late		
ETCHART, Mark (R) Vice Chairman	✓		
DOVER, Harold L. (R) Chairman	✓		

DATE 1-31-83

COMMITTEE ON NATURAL RESOURCES

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
K. M. Kelly	Mont. Water Develop. Assn	276 thru 280	✓	
R. A. Ellis	" " " "	" "	✓	
Leroy Dahl	Huntley Proj. Irr Dis	276 - 280	✓	
George A. Barnard	Huntley Project Irrigation	276 thru 280	✓	

NAME: Richard H. Kennedy DATE: 1/31/83

ADDRESS: 1100 Hwy 41 Dillon, MT.

PHONE: 683-2307

REPRESENTING WHOM? East Bench Irr. District

APPEARING ON WHICH PROPOSAL: SB 276, 277, 278, 279, 280

DO YOU: SUPPORT? ✓✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: K.M. Kelly DATE: 1/31/83

ADDRESS: Helena

PHONE: 458-5861

REPRESENTING WHOM? Mont. Water Develop. Assn.

APPEARING ON WHICH PROPOSAL: SB 276 thru 280

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS:

We support SB 276 thru 280 because the proposed amendments to title 85 should make the administration of Irrigation Districts more orderly and with as minimum of Controversy.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Robert A. Ellis DATE: 1/31/83

ADDRESS: 1735 Sierra rd

PHONE: 456 - 5586

REPRESENTING WHOM? Mount Water Development Assn

APPEARING ON WHICH PROPOSAL? SB 276 thru 280

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STANDING COMMITTEE REPORT

January 31 19 83

MR. PRESIDENT:

We, your committee on NATURAL RESOURCES

having had under consideration SENATE Bill No. 276

Respectfully report as follows: That SENATE Bill No. 276

DO PASS

SEN. HAROLD L. DOVER, Chairman.

STATE PUB. CO.
Helena, Mont.

STATUS SHEET

AGRICULTURE COMMITTEE

48th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
B 276	Amending Sec. 85-7-1710, MCA, to provide that the Board of Commissioners of an irrigation district may by resolution establish that district votes are to be cast by 1-acre.	2/7/83	Aklestad	3/9/83	BE CONCURRED IN	3/14/83
B 277	Amending Sec. 85-7-1902, MCA, to provide that a Board of Commissioners of an irrigation dist. may refuse delivery of water to any person who owes money to the district.	2/7	Conover	3/7	BE CONCURRED IN	3/14
B 278	Amending Sec. 85-7-1904, MCA, to increase from $125,000 to $150,000 the amount of purchase or rental which an irrigation dist. bd. may bind a dist. w/o landowners consent	2/7	Conover	3/7	BE CONCURRED IN	3/16
B 279	Amending Sec. 85-5-107, MCA, to revise the reporting requirements for and costs assessable by a water commissioner	2/7	Ochsner	3/9	BE CONCURRED IN	3/16
B 280	To amend Sec. 85-7-1956, MCA, to allow an election to ratify authority for an irrigation district to contract with the United States	2/9	Fuller	3/9	AS AMENDED BE CONCURRED IN	3/21
B 294	To revise the statutes governing manner of taxation and assessment against irrigation district lands; removing $5 minimum fee.	3/1	Hazelbaker	3/11	BE CONCURRED IN	3/16

rm CS-32
31

MINUTES OF THE MEETING OF THE HOUSE AGRICULTURE, LIVESTOCK AND IRRIGATION COMMITTEE, MARCH 9, 1983

The meeting was called to order by Chairman Jacobsen on Wednesday, March 9, 1983 at 12:30pm, in Room 129, State Capitol. All members of the Committee were present.

HEARINGS

SENATE BILL 276. SEN. GARY AKELSTAD, District 6, Toole County, testified as sponsor of the bill which pertains to irrigation districts and provides board authority to allocate votes on a per acre basis. He told the Committee the bill contained only simple amendments.

PROPONENTS

MR. ROBERT A. ELLIS, Helena Valley Irrigation District, explained there would be no options when 5% of the landowners possess one acre or less, adding an individual owning 40 acres would receive one vote per acre, but if there were less than 40 acres the owner would have only one vote. As an example he said 80,000 acres in the Fairfield Bench would be taken over by subdivision votes and that the bill is an effort to keep agricultural lands in control of water development districts.

MR, KEN KELLY, Montana Water Development Association stated his support of the bill and urged its passage.

OPPONENTS

There were no opponents of the bill.

QUESTIONS

REP. SCHULTZ asked how the procedure would be implemented by the boards. Sen. Akelstad replied they would be incorporated into the by-laws.

REP. SPAETH asked why the 40 acre requirement was not altogether eliminated and the votes based on acreage. Mr. Ellis replied they had not thought of this option.

REP. BENGSTON asked what prompted the bill to be drafted. Mr. Ellis replied the influx of subdivisions in irrigation districts was causing agricultural interests to lose control of the districts.

REP. SPAETH asked if the bill could be amended to eliminate the 40 acre requirement. Mr. Ellis replied it would be premissible.

REP. JENSEN advised committee members he preferred the bill in its present form.

IN CLOSING, Sen. Akelstad, said the proposed legislation would not affect private irrigation districts within the State.

SENATE BILL 280. SEN. DAVE FULLER, District 15, Helena, told committee members Mr. Ellis would testify in support of the bill.

PROPONENTS

MR. ROBERT A. ELLIS, Montana Water Users Association, said the bill would create alternative methods for contracting between districts and the federal government, as presently 61% of the landowners and 61% of the land must petition for a contract, which is time consuming.

MR. KEN KELLY, Montana Water Development Association, stated his support of the bill and urged its passage. He advised the Committee "or" had been omitted from page 1, line 18 of the bill, following "district" on the third reading copy.

OPPONENTS

There were no opponents of the bill.

QUESTIONS

REP. BENGSTON asked how the one person, one vote theory was rationalized and if there were any opposition from the subdivisions, adding she wondered if the action would stand up in court.

REP. SPAETH asked who language on line 15 referred to, the majority of those voting or if it could be omitted. Legislative Council staff attorney, John MacMaster replied it could be omitted since the language is redundant.

REP. ERNST told the Committee agricultural taxpayers must be considered.

IN CLOSING, Sen. Fuller explained the bill would expedite procedures for water districts.

VISITOR'S REGISTER

HOUSE Agriculture COMMITTEE

BILL SB 276 DATE 3-9-83

SPONSOR Akelstad

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
K.M. Kelly	Helena	Mont. Water Develop. Assn	X	
R A E Inc	Helena	Upper Jefferson Dam Unit	X	
Richard H Kennedy	Dillon	East Bench Unit	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

FORM CS-33

MINUTES OF THE MEETING OF THE HOUSE AGRICULTURE, LIVESTOCK AND IRRIGATION COMMITTEE, MARCH 14, 1983

The meeting was called to order by Chairman Jacobsen, Monday, March 14, 1983 at 12:30pm in Room 129, State Capitol. All members of the Committee were present.

EXECUTIVE SESSION

SENATE BILL 317. REP. SAUNDERS moved the bill Be Concurred In. Rep. Bengston seconded the motion.

REP. SAUNDERS moved the amendments to the bill be approved (exhibit). Mr. Jack Gunderson, Administrator, State Hail Board, told the Committee the bill was amended at the request of the Legislative Audit Committee, adding he did not believe the bill would be jeopardized by the amendments since the Senate could still make any necessary changes.

REP. BLISS said he was concerned with the competition the Hail Board provided for private insurers.

REP. ELLERD asked if a crop could be double-insured and if the land owner could collect from both carriers. Mr. Gunderson replied a crop could be double-insured as long as the coverage did not exceed the value of the crop.

REP. ELLERD asked what the advantage of the Hail Board was and if its rates were cheaper. Rep. Bliss told him very few farmers insure for full value of their crops.

REP. JENSEN asked if prices were competitive between the State and private insurers. Mr. Gunderson said the state rate is lower for barley and wheat, adding private insurers have a surcharge for both crops.

The motion made by Rep. Saunders failed with seven members voting aye, nine voting no and two absent.

REP. BENGSTON asked about amending page 17 of the bill. Mr. Gunderson advised this section has been ignored since assessments are sent any time of year now.

REP. ROUSH said he has no problem with language in the bill and he believes the Hail Board owes people notification time, but expenditures should be limited.

REP. SCHULTZ suggested the Committee strike "any" means and insert "appropriate" means.

REP. SPAETH informed Committee members he saw a problem with language pertaining to transfer of water rights to the State of Montana and its political subdivisions as there would be no recourse later on and he was not certain how the statement would be interpreted since it includes cities and towns and raises litigating questions.

CHAIRMAN JACOBSEN asked how necessary the bill is. Rep. Spaeth replied he was not certain.

MR. JOHN MACMASTER, Legislative Council Attorney, said Section 3 does not clearly indicate a need for DNRC approval of transfers prior to the Section's effective date, adding this was the intent of the Section.

MR. CHAFFIN told the Committee the bill was very necessary for transfers of land and water rights between parties, since there is a need to maintain current records for proper notice to involved parties when water rights status' are filed. He said more than a voluntary system is necessary, adding many problems will arise if the bill does not pass.

CHAIRMAN JACOBSEN said a subcommittee may need to study the matter further since it appears there are three differing legal opinions.

MR. GARY FRITZ, Department of Natural Resources and Conservation, said the Department is presently receiving notification of approximately 10% of transfers and it is anticipated the number will increase to 40,000 annually when a mandatory filing system is imposed.

REP. JENSEN questioned whether it was necessary to transfer water rights when land is transferred.

REP. ROUSH agreed with Chairman Jacobsen that a subcommittee is needed, as did Rep. Lybeck. Chairman Jacobsen appointed Representatives Jensen and Lybeck to serve with Rep. Spaeth as chairman, and asked them to report their findings to the Committee on March 18, 1983.

SENATE BILL 276. REP. HOLLIDAY moved the bill Be Concurred In. Rep. Roush seconded the motion which was unanimously approved by the Committee.

SENATE BILL 277. REP. ROUSH moved the bill Be Concurred In. The motion was seconded by Rep. Ellerd and given unanimous committee approval.

STANDING COMMITTEE REPORT

MARCH 14 19 83

MR. SPEAKER:

We, your committee on AGRICULTURE

having had under consideration SENATE Bill No. 276

THIRD reading copy (BLUE color)

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 85-7-1710, MCA, TO PROVIDE THAT THE BOARD OF COMMISSIONERS OF AN IRRIGATION DISTRICT MAY BE RESOLUTION ESTABLISH THAT DISTRICT VOTES ARE TO BE CAST BY 1-ACRE RATHER THAN BY 40-ACRE BLOCKS."

Respectfully report as follows: That SENATE Bill No. 276

BE CONCURRED IN

REP. GLENN JACOBSEN
Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

SENATE BILL NO. 276

INTRODUCED BY AKLESTAD, MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 85-7-1710, MCA, TO PROVIDE THAT THE BOARD OF COMMISSIONERS OF AN IRRIGATION DISTRICT MAY BY RESOLUTION ESTABLISH THAT DISTRICT VOTES ARE TO BE CAST BY 1-ACRE RATHER THAN BY 40-ACRE BLOCKS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 85-7-1710, MCA, is amended to read:

"85-7-1710. Qualification of electors and nature of voting rights. (1) At all elections held under the provisions of this part, except as otherwise expressly provided, the following holders of title or evidence of title to lands within the district, herein designated electors, are entitled to vote:

(a) all individuals having the qualifications of electors under the constitution and general election laws of the state, except that no registration of electors may be required;

(b) guardians, executors, administrators, and trustees;

(c) domestic corporations, by their duly authorized agents.

SB 0276/02

(2) In all elections held under this part, each elector is permitted to cast one vote for each 40 acres of irrigable land or major fraction thereof owned by the elector within the district, irrespective of the location of the irrigable lands within the tracts designated by the commissioners for assessment and taxation purposes or within congressional subdivisions, platted lots or blocks (except as hereinafter provided for), election precincts, or district divisions, but any elector owning any less than 40 acres of irrigable land is entitled to one vote. Until the irrigable area under the proposed plan of reclamation is determined, all land included within the boundaries of the district shall be considered irrigable land for election purposes.

(3) Whenever land is owned by co-owners, the owners may designate one of their number or an agent to cast the vote for the owners, and one vote only for each 40 acres of irrigable land or major fraction thereof may be cast by the voting co-owner or agent. Whenever land is under contract of sale to a purchaser residing within the state, the purchaser may vote on behalf of the owner of the land. When voting, the agent of a corporation or co-owners, the co-owner designated for purpose of voting, or the purchaser of land under contract of sale, as the case may be, shall file with the secretary of the district or with the election officials

REFERENCE BILL

a written instrument of his authority, executed and acknowledged by the proper officers of the corporation, by the co-owners, or by the owner of land under contract of sale, as the case may be, and thereupon the agent or co-owner or purchaser, as the case may be, is an elector within the meaning of this part. Whenever the total irrigable acreage within any one district has been platted or subdivided into lots or blocks to the extent of 5% or more of the total acreage of the district or whenever the majority of the district board adopts a resolution allowing it, each elector is permitted to cast one vote for each acre of irrigable land or major fraction thereof owned by the elector within the district, irrespective of the location of such irrigable lands within the tracts designated by the commissioners for assessment and taxation purposes or within the congressional subdivisions, but any elector owning any less than 1 acre of irrigable land within the district is entitled to one vote. The balloting shall take place in the following manner: 10 votes or less, separate ballots will be used; more than 10 votes, the elector shall vote in blocks of 10 using one ballot for each 10 votes and separate ballots for odd votes over multiples of 10."

-End-